IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2117 of 2007

Mrs.Seema Menon — Applicant
Vs.
State of Maharashtra & anr. — Respondents

Mr.R.Sathyanarayanan for applicant.

Mr.D.R.More, APP for State.

Mr.V.Joseph i/b M/s.Joseph & Associates for resp.no.2.

CORAM: B.H.MARLAPALLE, J.

September 18, 2007.

P.C.

. Heard the learned counsel for the respective parties. Mr.Sathyanarayanan, the learned counsel for the applicant has pressed for the alternative prayer i.e. for transfer of Criminal case No. 81 of 2007 presenting pending before the learned Judicial Magistrate, First Class at Dapoli to the Court of the Metropolitan Magistrate within the territorial limits of Greater Mumbai.

. The present respondent no.2 has filed Criminal Case No.81 of 2007 before the learned Judicial Magistrate, First Class at Dapoli under Section 138 of the Negotiable Instruments Act, 1881. The three

different cheques issued in his favour for a total sum of Rs.95,22,693/- were dishonoured and the cheques were drawn by the accused no.1 - company and the cheques were signed by accused no.3 in his capacity as the Managing Director. In the complaint the complainant has given his address as resident of "16A, Kanwal Building, Four Bunglow Road, Andheri (West), Mumbai and Maingi Farm, Shenale, Mandangad, Tal. Mandangad, Dist. Ratnagiri". Obviously by giving the address of his farm house located at village Shenale in Mandangad Taluka of Ratnagiri District, he filed the case before the learned Judicial Magistrate, First Class at Dapoli. The first agreement between the parties was dated 1st January 2001 and the second agreement between the parties is dated 14th February 2001. Both the agreements are signed at Mumbai and in both the agreements the complainant's address is that of "16A, Kanwal Building, Four Bunglow Road, Andheri West, Mumbai 400 053". He deposited the dishonoured cheques in his account at Dapoli and filed the complaint there.

. This is a fit case to invoke the powers under Section 407 of Cr.P.C. and transfer the pending case

before the learned Judicial Magistrate, First Class at Dapoli to the Court of the learned Metropolitan Magistrate at Andheri.

. Hence the petition is allowed in terms of prayer clause (b) and it is directed that Criminal Case No.81 of 2007 presently pending on the file of the learned Judicial Magistrate, First Class at Dapoli, Dist. Ratnagiri be transferred to the Metropolitan Magistrate, 10th Court at Andheri, Mumbai.

(B.H.MARL